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January 14, 2022

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**RE: United States v. Michael Avenatti  
19 Cr. 374 (JMF)**

Dear Judge Furman:

Currently pending before the Court are several motions and responses concerning the scope of Ms. Clifford's cross examination and the defense's acquisition of various records pertaining to the mental and physical health of another anticipated Government witness. Per the Court's directive (Dkt. No. 224), all of those documents are currently under seal. The defense writes to note its objection to the full sealing of those papers, and respectfully submits that the letters should be promptly filed on the public docket (with appropriate redactions).

The Court has previously issued an Opinion and Order addressing in detail the presumption of public access to judicial documents under the First Amendment and the common law, and the Second Circuit's stringent three-part test for determining whether documents may be placed under seal. See Dkt. No. 134 at 11-13. Indeed, and as the Second Circuit has held, the presumption is for immediate public access to judicial documents. Id. at 28.

In this case, the above-mentioned papers are unquestionably judicial documents because they are relevant to the performance of the Court's authority to compel the production of specific items and/or the presence of witnesses through a subpoena. They also contain legal arguments that do not present a basis for sealing.

Accordingly, the defense respectfully requests that the Court authorize the unsealing of the documents pertaining to docket number 224, allowing for the Government to make any arguments as to redactions by Monday, January 17, 2022.

Respectfully Submitted,

/s/  
Robert M. Baum, Esq.  
Andrew J. Dalack, Esq.  
Tamara L. Giwa, Esq.  
Assistant Federal Defenders

Cc: Government Counsel

Counsel for Michael Avenatti